

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3453 of 2021

1. Rajeev Adwani S/o Late Mohan Lal Adwani, Aged About 32 Years, R/o K-203, R.D.A. Colony, Police Station D.D. Nagar Raipura, Tahsil And District Raipur (C.G.) At Present Village Banarsi, Police Station Mana, Tahsil And District Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Mandir Hasoud, District Raipur (C.G.).

---- Non-Applicant

For Applicant	: Ms. Ankita Shriwas, Advocate.
For Non-Applicant/State	: Mr. Ayaz Naved, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

14/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) Heard on admission.
- 3) The application is admitted for hearing.
- 4) With the consent of the parties, the matter is heard finally.
- 5) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 30/04/2021 in connection with Crime No. 152/2021 registered at Police Station Mandir Hasoud, District Raipur (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 6) Case of the prosecution, in brief, is that on 30/04/2021 while the Police party was checking the vehicles during lockdown period at Ring Road, seeing the Police co-accused Khileshwar Dahariya started running away on his motorcycle. On apprehension the Police chased the co-accused and seized 12 Bulk Ltr. of liquor from the dickey of his motorcycle. In his memorandum the said co-

accused stated that the said liquor was received from the present applicant for selling and the applicant is also having liquor in his house. Thereupon the Police party reached house of the applicant and seized **7 bulk** Ltrs. of liquor from his house, for which he could not produced any valid documents.

- 7) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. She submits that co-accused Khileshwar Dahariya has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 17/05/2021 in MCRC No. 3071/2021. She further submits that the applicant has been arrested on 30/04/2021, and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail by this Court.
- 8) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has no criminal antecedent.
- 9) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant who is 32 years old, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that **co-accused** has already been released on bail by the Co-ordinate Bench of this Court and that conclusion of trial may take some time, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 50,000/-** with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
 - ii. he shall not act in any manner which will be prejudicial to fair

and expeditious trial, and

- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority.
- v. he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant